

PABLO P. PIÑA,)	Case No.: 1:20-cv-01735 JLT BAM (PC)
)	
Plaintiff,)	ORDER DENYING PLAINTIFF’S MOTION TO
)	WITHDRAW CONSENT TO MAGISTRATE
v.)	JUDGE JURISDICTION
)	(Doc. 38)
YSUSI, et al.,)	
)	ORDER REASSIGNING THE ACTION TO THE
Defendants.)	U.S. MAGISTRATE JUDGE FOR ALL PURPOSES
)	

On February 18, 2022, Plaintiff filed another form indicating he declined to consent to the jurisdiction of a U.S. Magistrate Judge. (Doc. 37.) The assigned magistrate judge construed the form as a motion to withdraw consent to magistrate judge jurisdiction and the matter was assigned undersigned for the limited purpose of the disposition of Plaintiff's motion. (Doc. 38.)

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1 consent of all parties to the jurisdiction of magistrate judge for all further proceedings pursuant to 28
2 U.S.C. § 636(c)(1), an action may be referred to a magistrate judge. *See id.*; *Branch v. Umphenour*,
3 936 F.3d 994, 1000 (9th Cir. 2019).

4 Importantly, “[t]here is no absolute right, in a civil case, to withdraw consent to trial and other
5 proceedings before a magistrate judge.” *Dixon*, 990 F.2d at 480; *see also Carter v. Sea Land Services,*
6 *Inc.*, 816 F.2d 1018, 1020-21 (5th Cir. 1987) (upholding the denial of motion to withdraw consent). As
7 explained by the Fifth Circuit, once a right—even a fundamental right—is knowingly and voluntarily
8 waived, a party has “no constitutional right to recant at will.” *Id.* at 1021. Thus, after all parties have
9 consented and the action is referred to a magistrate judge, “the reference can be withdrawn only ‘for
10 good cause shown on [the court’s] own motion, or under extraordinary circumstances shown by any
11 party.’” *Dixon*, 990 F.2d at 480 (quoting 28 U.S.C. § 636(c)(4)). The showing of “extraordinary
12 circumstances... is a high bar that is difficult to satisfy.” *Branch*, 936 F.3d at 1004 (citation omitted).

13 Plaintiff fails to meet the “high bar” required to support the withdrawal of his consent to
14 magistrate judge jurisdiction. Plaintiff merely completed a new form, without any explanation for his
15 attempt to withdraw his consent. The Court is unable to speculate that “exceptional circumstances”
16 exist for withdrawal of his consent. Accordingly, the Court **ORDERS**:

- 17 1. The request to withdraw consent to the jurisdiction of the magistrate judge is **DENIED**;
- 18 2. The Clerk is directed to reassign the matter to United States Magistrate Judge Barbara A.
19 McAuliffe for all purposes within the meaning of 28 U.S.C. § 636(c), including trial and
20 entry of judgment; and
- 21 3. Further papers shall bear the case number **1:20-cv-01735-BAM (PC)**.

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23 IT IS SO ORDERED.

24 Dated: **February 25, 2022**


UNITED STATES DISTRICT JUDGE